

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TYCO HEALTHCARE GROUP LP

Plaintiff,

v.

MEDICAL PRODUCTS, INC.

Defendant.

Civil Action No. 1:04-cv-11524-DPW

ASSENTED TO MOTION FOR LEAVE TO FILE REPLY
MEMORANDUM TO PLAINTIFF'S OPPOSITION TO MPI'S
MOTION FOR SUPPLEMENTAL PROTECTIVE ORDER

Defendant Medical Products, Inc. ("MPI") respectfully moves, pursuant to Local Rule 7.1(B), for leave of Court to file a 7-page Reply to Plaintiff's Opposition to MPI's Motion for a Supplemental Protective Order for the following reasons:

1. On January 11, 2005, the Plaintiff filed a Motion to Compel the Production of MPI's Customer Names. MPI opposed that Motion and filed a Motion for a Supplemental Protective Order on January 27, 2005. On February 8, 2005, the Plaintiff filed an Opposition to MPI's Motion for a Supplemental Protective Order and a Reply to MPI's Opposition to the Motion to Compel.

2. MPI believes a short Reply is necessary to correct some of the errors and misstatements contained in the Plaintiff's February 8th filing and to provide the Court with additional information discovered in a deposition that took place after MPI filed its Motion for a Supplemental Protective Order. This information should help the Court resolve the legal issues raised in prior filings.

3. Before filing this motion, undersigned counsel contacted for the Plaintiff about this filing. Counsel for the Plaintiff assented to the filing of the Reply.

For these reasons, MPI requests permission for leave to file a 7-page Reply to Plaintiff's Opposition to MPI's Motion for a Supplemental Protective Order

Respectfully submitted,

MEDICAL PRODUCTS, INC.

By its attorneys,

/s/ Michael B. Galvin

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Dated: February 16, 2005

CERTIFICATION PURSUANT TO RULE 37(a) AND LOCAL RULE 37.1(A)

I, Michael B. Galvin, hereby certify that I have conferred with Jeffrey D. Clements, counsel for the Plaintiff, in a good faith effort to resolve or narrow the area of dispute raised in this filing and Mr. Clements assented to the filing of this Motion.

/s/ Michael B. Galvin
